



April 17, 2020

VIA E-MAIL AND ELECTRONIC FILING

Annick Banoun
Wireline Competition Bureau
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: Refresh of Record in Restoring Internet Freedom and Lifeline Proceedings, WC Docket Nos. 17-108, 17-287, 11-42

Dear Ms. Banoun,

New America's Open Technology Institute strongly supports the request for a 60-day comment extension in the above-referenced proceedings¹ by the City of Los Angeles, the County of Santa Clara, the Santa Clara County Central Fire Protection District, and the City of New York.² These parties represent some of the nation's leading voices on public safety and the Commission should do everything it can to ensure their full participation.

First responders and city officials are on the front lines of the COVID-19 pandemic, and their perspectives are critical to understanding how FCC decisions affect public safety. These localities are facing exceptional challenges as they grapple with one of the gravest public health crises in our nation's history. When they ask for more time, the federal government should listen.

In light of these unprecedented circumstances, a 60-day extension is a modest request. There is no need to rush this matter. Indeed, the Commission has a particular obligation to ensure robust participation of public safety voices in this proceeding, as it was triggered by a federal court's

¹ *Wireline Competition Bureau Seeks to Refresh Record in Restoring Internet Freedom and Lifeline Proceedings In Light of the D.C. Circuit's Mozilla Decision*, DA 20-168 (Feb. 19, 2020).

² *See Comments of City of Los Angeles, the County of Santa Clara, the Santa Clara County Central Fire Protection District, and the City of New York, Restoring Internet Freedom*, WC No. 17-108 (April 16, 2020).

admonishment of the Commission’s “disregard of its duty to analyze the impact of the [Restoring Internet Freedom] Order on public safety.”³ The court specifically cited the Commission’s disregard of concerns raised by Santa Clara County, one of the parties that now seeks an extension.⁴ The record would be incomplete without their participation.

The Commission has an opportunity and an obligation to correct the past. Granting a 60-day extension would demonstrate the Commission’s commitment to addressing the court’s concerns and to public safety. For these reasons, we urge the Commission to respect the needs of first responders and city officials at this critical time and grant their request.

Respectfully submitted,

/s/

Joshua Stager
Senior Counsel
New America’s Open Technology Institute
740 15th Street NW, Suite 900
Washington, DC 20005

³ *Mozilla Corp. v. FCC*, 940 F.3d (D.C. Cir. 2019) at 100.

⁴ *Id.* at 94, 98 (“Santa Clara County, for example, explained that the 2018 Order would have a ‘profound negative impact on public welfare, health, and safety’ communications ... As noted by Santa Clara County, unlike most harms to edge providers incurred because of discriminatory practices by broadband providers, the harms from blocking and throttling during a public safety emergency are irreparable. People could be injured or die.”).